IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

Bail Appl..No. 7442 of 2006()

AGAINST THE ORDER IN BA.6928/2006 Dated 27/11/2006
OR 53/06 of Chirayinkeezhu Excise Range

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Petitioners/Accused 1 and 2

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1. Jayesh, S/o. Ramachandran, Jeyesh Bhavan,
   Thengammum Muri, Palickal Village, Adoor.

2. Santhoshkumar, S/o. Sivaraman Nair,
   Mangattethu Veedu, Elippakulam, Pallikunnam Village.

BY ADV. SRI.N.DHARMADAN (SR.)
SRI.RANJITH XAVIER

RESPONDENTS:

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1. State of Kerala, represented by the Public Prosecutor,
   High Court of Kerala, Ernakulam.

2. Excise Inspector, Chirayinkeezhu

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. Ramkumar, J.

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B.A.No.7442 of 2006

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Dated this the 15th day of December, 2006.

ORDER

Petitioners, who are accused Nos. 1 and 2 in O.R.No.53 of 2006 of Chirayinkeezhu Excise Range for offences punishable under Sections 55(a) and 67(B) of the Abkari Act for allegedly transporting 310 liters of spirit in a Maruti car on 27.10.2006 and who were arrested on the same day, seek their enlargement on bail.

2. The learned Public Prosecutor opposed the application.

3. Both the petitioners had confessed before the Excise officials concerned that they were transporting contraband spirit for accused Nos. 3 to 5. I am not satisfied that both the grounds enumerated under Section 41A(b)(ii) of the Abkari act are present in this case so as to justify the release of the petitioner on bail.

This application is accordingly dismissed.

V.Ramkumar,
Judge.

ess 15/12